

**AREA BOARD OF ZONING APPEALS OF TIPPECANOE COUNTY  
MINUTES OF A PUBLIC HEARING**

DATE..... July 28, 2004  
TIME..... 7:00 P.M.  
PLACE..... CO. OFFICE BLDG.  
20 N. 3<sup>RD</sup> STREET  
LAFAYETTE IN 47901

**MEMBERS PRESENT**

Mark Hermodson  
Jean Hall  
Gary Schroeder  
Steve Clevenger  
Edward Weast

**MEMBERS ABSENT**

Edward Butz  
Ralph Webb

**STAFF PRESENT**

Kathy Lind  
Krista Trout  
Jay Seeger, Attorney  
Michelle D'Andrea  
Bianca Bullock

The Area Board of Zoning Appeals of Tippecanoe County public hearing was held on the 28<sup>th</sup> day of July 2004, at 7:00 P.M., pursuant to notice given and agenda posted as provided by law.

Mark Hermodson called the meeting to order.

**I. APPROVAL OF MINUTES**

Steve Clevenger moved to approve the minutes of June 23, 2004 public hearing. Edward Weast seconded the motion.

Steve pointed out corrections that needed to be made on pages 2 and 3 of last month's minutes.

The motion with corrections carried by voice vote.

**II. NEW BUSINESS**

Kathy Lind informed the board that **BZA-1670 – ERIC S. & DONNA S. FERGASON** should be continued to the August 25, 2004 Area Board of Zoning Appeals public hearing due to lack of sign posting.

Steve Clevenger moved to continue **BZA-1670 – ERIC S. & DONNA S. FERGASON** to the August 25, 2004 Area Board of Zoning Appeals meeting. Edward Weast seconded and the motion carried by voice vote.

**III. PUBLIC HEARING**

Steve Clevenger moved that there be incorporated into the public hearing portion of each application to be heard this evening and to become part of the evidence at such hearing, the Unified Zoning Ordinance, the Unified Subdivision Ordinance, the Comprehensive Plan, the By-laws of the Area Board of Zoning Appeals, the application and all documents filed therewith, the staff report and recommendation on the applications to be heard this evening and responses from the checkpoint agencies. Edward Weast seconded and the motion carried by voice vote.

**1. BZA-1671—CINGULAR WIRELESS:**

Petitioner is seeking a special exception to allow a 265' (with the lightning rod) tall primary communications tower in the A zone in a 80' x 80' easement within a 70-acre tract located at 7422 W CR 350 N, Shelby 1(NE)23-6. (UZO 3-2).

Steve Clevenger moved to hear and vote on the above-described request. Edward Weast seconded the motion.

Krista Trout presented slides of the zoning map, two aerial photos, three site plans and three photos of the property. She read the staff report with recommendation of approval.

Todd Thompson, 102 Sunrise Lane, Lizton, IN concurred with the staff report. He mentioned that the petitioner's first option in regards to building a tower is to co-locate with an existing communications tower. He presented maps of cell phone coverage to display why co-location was not an option. He explained that the purpose of this tower is to keep cell phone connectivity along US 52 to the northwest. He mentioned the petitioner has tried to utilize ground for the tower that was not in row crop production.

Charles Ehrsman, PO Box 6, Montmorenci, IN asked if the tower would cause interference with his television reception.

Todd Thompson responded that cell phone frequencies are required to communicate within a specified megahertz range. He said the tower would not affect CB radios, televisions, satellites or E-911 service.

Bob Beutler, 442 N 800 W, Montmorenci, IN asked the petitioner what company he was with and who is responsible for removing the tower when it is no longer in use.

Todd Thompson replied that the petitioner is Cingular Wireless and they are required to remove the tower if it has not been in use for 12 months. The petitioner also must remove the tower if the property owners decide not to renew their lease.

Pat Rooze, 7214 W 350 W, Montmorenci, IN asked if the tower would prevent hogs from being kept on the property owner's farm.

Mark Hermodson explained to Ms. Rooze that the property was zoned agricultural and it is within the law for the property owners to keep livestock on the farm.

Jean Hall asked if the location or the height of the tower would have an effect on Purdue Airport's operations.

Todd Thompson answered the FAA regulates the height of all communications towers. Per its requirements, 250' is acceptable. The petitioner's proposed tower is 250' with a 15' lightning rod. He cannot recall the FAA requiring the lowering of a tower at or under 250'.

Steve Clevenger asked if the petitioner owned the tower that is located at another site located approximately 1 mile east.

Todd Thompson replied that tower is used by a local utility company for their communications.

The Board voted by ballot 5 yes to 0 no to approve **BZA-1670 – CINGULAR WIRELESS.**

Mark moved that the findings of each member casting a vote for the majority decision of the board to be the collective findings of the board in support of the decision.

#### **IV. ADMINISTRATIVE MATTERS**

Al Levy presented findings regarding his inspection of the Wildcat Wildlife Center at 5508 Eisenhower Road, Lafayette, IN. He reported finding eleven animal enclosures, including two "flying pens." Two of the enclosures were occupied by a beaver and a doe. The property is zoned agricultural and the structures do not constitute a violation. He stated there is one final cleaning required, but it is apparent that efforts are being made to maintain the site in a sanitary condition.

#### **V. ADJOURNMENT**

Steve Clevenger moved for adjournment. Edward Weast seconded and the motion carried by voice vote.

The meeting adjourned at 7:30 PM

Respectfully submitted,

A handwritten signature in cursive script that reads "Bianca Bullock".

Bianca Bullock  
Recording Secretary

Reviewed by,

Margy Deverall  
Assistant Director